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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,935	07/16/2003	Neldon P. Johnson		8877

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EXAMINER

CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,935

Applicant(s)

JOHNSON, NELDON P.

Examiner

Michael Cuff

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7, 9-11, 16-19 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Menelly et al.

Menelly et al. shows a method and apparatus for facilitating amusement park activities. One of these activities is providing food. Paragraph 22 describes the food ordering kiosk for multiple restaurants in the park (food court, a common location). The disclosure is straight forward. However, the examiner is considering the "certain time" for pick-up to a confirmation and/or acknowledging. The unique ID used for authentication is considered to be a payment code.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 8, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelly et al. in view of Shah et al..

Menelly et al., as described above, shows all of the limitations of the claims except for specifying the use of biometrics

Shah et al. teaches, paragraph 9, the use of biometrics at a kiosk to identify a customer in a more secure manner.

Based on the teaching of Shah et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Menelly system to incorporate biometrics at the kiosks in order to provide greater security.

Claims 4, 12, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelly et al. in view of Neeley.

Menelly et al., as described above, shows all of the limitations of the claims except for specifying the use of a bar code.

Neeley teaches, figure 1, the use of a bar code as part of an ID bracelet in order to provide a quicker and more secure means of looking up the ID.

Based on the teaching of Neeley, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Menelly system to incorporate bar codes with the Menelly ID bracelet in order to provide a quicker and more secure means of looking up the ID.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelly et al. in view of Lynn et al..

Menelly et al., as described above, shows all of the limitations of the claims except for specifying the use of an automatic conveyor.

Lynn et al. teaches a railroad delivery system (automate conveyor) to deliver food in a restaurant because it is fun and cool, which increases interest and sales.

Based on the teaching of Lynn et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Menelly system to incorporate a railroad delivery system to deliver food in a restaurant because it is fun and cool, which increases interest and sales.

Claims 13, 14, 15, 22-24, 28-31, 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelly et al. in view of Gibson et al..

Menelly et al., as described above, shows all of the limitations of the claims except for specifying revenue generated at a kiosk being distributed

Gibson et al. teaches, paragraph 15, distributing revenue generated at a kiosk in order to send the revenue to the responsible parties. The examiner is considering that some form of tabulation is inherently necessary in order to distribute revenue.

Based on the teaching of Gibson et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Menelly system of kiosks to incorporate the scheme of distributing revenue generated at a kiosk in order to send the revenue to the responsible parties.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menelly et al. and Gibson et al. in further view of Neeley.

The combination system of Menelly et al. and Gibson et al., as described above, shows all of the limitations of the claims except for specifying the use of a bar code.

Neeley teaches, figure 1, the use of a bar code as part of an ID bracelet in order to provide a quicker and more secure means of looking up the ID.

Based on the teaching of Neeley, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the combination system of Menelly et al. and Gibson et al. to incorporate bar codes with the Menelly ID bracelet in order to provide a quicker and more secure means of looking up the ID.

Claims 38, 39, 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menelly et al. and Gibson et al. in further view of Lynn et al..

The combination system of Menelly et al. and Gibson et al., as described above, shows all of the limitations of the claims except for specifying the use of an automatic conveyor.

Lynn et al. teaches a railroad delivery system (automate conveyor) to deliver food in a restaurant because it is fun and cool, which increases interest and sales.

Based on the teaching of Lynn et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the combination system of Menelly et al. and Gibson et al. to incorporate a railroad delivery system to

deliver food in a restaurant because it is fun and cool, which increases interest and sales.

Response to Arguments

Applicant's arguments filed 5/17/06 have been fully considered but they are not persuasive.

Applicant asserts that Menelly does not show "accounting step for automated accounting of sales revenue for menu items sold by each restaurant". The examiner does not concur. Please re-read this limitation. It is a very broad limitation. A payment code is an automated accounting step for menu items sold by each restaurant.

The park of Menelly is a common location.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Cuff 7/24/06

Michael Cuff
July 24, 2006